

# REGULATION

<b>SPDOC No.:</b>  03-29	<b>Effective Date:</b>  March 18, 2001	<b>Index Reference:</b>  Examinations, Reasonable Accommodations, EEO, Persons with Disabilities	<b>Regulation Number:</b>  <b>3.05</b>
<b>Issuing Bureau:</b>  Human Resource Services	<b>Rule Reference:</b>  Rules: 1-7 (Equal Employment Opportunity) 3-1 (Examinations) 3-6 (Probation and Status) – Effective January 1, 2002		<b>Replaces:</b>  Reg. 3.05 (CS-6940, March 18, 2001)
<b>Subject:</b>  <b>TWELVE-MONTH TRIAL APPOINTMENT PROCESS FOR PERSONS WITH DISABILITIES</b>			

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### 1. PURPOSE

The Twelve-month Trial Appointment process permits the Department of Civil Service to include individuals with disabilities in applicant pools, under certain conditions, without participating in the appraisal process administered by the Department of Civil Service for the classification. This process is designed for persons, whose disabilities prevent them from competing, even when reasonable accommodations are provided, with other candidates in a standard written, electronic, or other appraisal process. This regulation contains the conditions and standards that apply to such inclusion in applicant pools.

### 2. CIVIL SERVICE COMMISSION RULE REFERENCE

#### *Rule 1-7 Equal Employment Opportunity*

*The department of civil service and each appointing authority shall provide equal employment opportunity in the state classified service for all persons in accordance with the civil service rules and regulations.*

**Rule 3-1      Examinations**

\* \* \*

**3-1.4      Reasonable Accommodations**

*The department of civil service shall make reasonable accommodations in its application and appraisal process for a person with a disability who makes a reasonable request for accommodation in advance. The department of civil service may offer an alternative evaluation method for a person with a disability if the person is unable to participate in the regular appraisal process. The department of civil service is not required to make an accommodation that would cause undue hardship.*

\* \* \*

**Rule 3-6      Probation and Status****3-6.1      Probationary Period**

- (a) **New employee without status.** *A newly appointed classified employee who does not have status in the classified service when appointed must satisfactorily complete a working test period, called a probationary period, and receive a final satisfactory probationary rating as provided in rule 2-3 [Performance Ratings] as a condition of continued employment.*
- (b) **Employee with status.** *An employee with status who is appointed to a new classification must satisfactorily complete a working test period, called a probationary period, and receive a final satisfactory probationary rating as provided in rule 2-3 [Performance Ratings] as a condition of continued appointment in that position.*

\* \* \*

**3-6.2      Length of Probationary Period**

- (a) **Minimum length.** *The minimum length of a probationary period is 12 calendar months of full-time employment or 18 calendar months of less than full-time employment.*
- (b) **Extension of Probationary Period.** *If the department of civil service or the appointing authority determines that (1) the probationary period has been insufficient to adequately test the performance of a probationary employee or (2) the performance of a probationary employee has been unsatisfactory, the department or the appointing authority may extend the probationary period for an employee. Any extension beyond an additional 6 calendar months requires the approval of the state personnel director. The department or appointing authority shall give written notice of the extension of the probationary period to the employee.*

\* \* \*

### **3. STANDARDS**

- A.** Applicants for the Twelve-month Trial Appointment must be referred and certified from one of the following authorized certifying agencies: (1) Michigan Rehabilitation Services, (2) Michigan Commission for the Blind, or (3) Veterans' Administration. Individuals submitting applications directly to the Department of Civil Service, or individuals referred by other rehabilitation agencies, are referred to authorized certifying agencies, who can certify them for the process after verification of the necessary supporting documentation.
- B.** The applicant must be self-designated as a person with a disability, as defined by applicable state and federal laws, by completing the Civil Service Form CS-944, Application for Persons with Disabilities and Request for Reasonable Accommodation in the Appraisal Process.
- C.** Applications are reviewed to determine if reasonable accommodation can assist the applicant in the written, electronic, or other appraisal process, in accordance with regulation 3.11 [Written, Electronic, and Other Appraisal Method Administration].
- D.** Applicants certified for the process must possess the required education and experience for the requested classifications listed on the Classified Civil Service Application (CS-102) and Application for Twelve-month Trial Appointment Program for Persons with Disabilities (CS-630) forms.
- E.** Applicants must be able to perform the essential functions of the classification for which they are certified, with or without reasonable accommodations. Requests for reasonable accommodations on the job may be necessary and provided by the employer, as described in regulation 1.04 [Reasonable Accommodation].
- F.** The requested appraisal method must be open in accordance with regulation 3.11 [Written, Electronic, and Other Appraisal Method Administration].
- G.** Applicants approved for this process are included in applicant pools in accordance with the time period established by the Department of Civil Service.
- H.** Applicants in this process may be removed from the referral process for the reasons defined in rule 3-2.2 [Removal from Applicant Pool].
- I.** Once an applicant is appointed from the applicant pool, the 12-month probation period will serve in lieu of the written, electronic, or other appraisal process to evaluate candidates for positions in state service. Upon satisfactory completion of the probation period, permanent status may be granted. The same probationary rating methods and time periods are observed as in regular appointments. Persons with a disability who receive less than satis-

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factory ratings are subject to the same conditions as other employees, including separation from employment. Any appeals are in accordance with rule 3-6.5 [Grievance of Probationary Rating or Discipline].

- J. Appraisal methods that consist of an assessment of an applicant's education and experience are exempted from this process.
- K. To enable successful job performance, whenever possible, sponsoring rehabilitation agencies may provide supportive services to persons with disabilities appointed under this process and to employing departments and agencies.

#### 4. **PROCEDURE**

Responsibility	Action
Authorized Agency [Michigan Rehabilitation Services, Michigan Commission for the Blind, or Veterans' Administration]	1. Submits Form CS-944, Application for Persons with Disabilities and Request for Reasonable Accommodation in the Written, Electronic, and Other Appraisal Process; Form CS-630, Application for Twelve-month Trial Appointment Program for Persons with Disabilities; and Form CS-102, Application.  The forms must include the: <ul style="list-style-type: none"> <li>a. Classification and appraisal method.</li> <li>b. Identification of the disability and the rationale for the certification.</li> <li>c. Signature of the counselor.</li> </ul>
Department of Civil Service	2. Reviews the applications to determine if the applicant is eligible for the program.

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Responsibility (continued)	Action (continued)
Department of Civil Service	<ol style="list-style-type: none"> <li>3. If the applicant is eligible for the program: <ol style="list-style-type: none"> <li>a. Includes applicant in applicant pools for which qualified.</li> <li>b. Sends notification letter to the applicant.</li> <li>c. Sends copy of approved Form CS-630 application to the authorized certifying agency counselor.</li> </ol> </li> <li>4. If the applicant is not eligible for the program: <ol style="list-style-type: none"> <li>a. Indicates rejection and the rationale for rejection on the CS-630 application.</li> <li>b. Sends copy of disapproved CS-630 application to the authorized certifying agency counselor.</li> </ol> </li> <li>5. Files the CS-102, CS-630, and CS-944 applications for 6 months.</li> </ol>

## **CONTACT**

Questions regarding this regulation should be directed to the Department of Civil Service, P.O. Box 30002, 400 South Pine Street, Lansing, Michigan 48909; by telephone, at 517-373-3048 or 1-800-788-1766; or by e-mail to [MDCS-BHRS@michigan.gov](mailto:MDCS-BHRS@michigan.gov).

**NOTE:** Regulations are issued by the State Personnel Director, under authority granted in the *State of Michigan Constitution* and the *Michigan Civil Service Commission Rules*. Regulations that implement Commission Rules are subordinate to those Rules.